1985
Summary of Legislation

Affecting Municipalities

Enacted at the First Session of the Thirty-Third
Legislature of the Province of Ontario

Ontario

Ministry of
Municipal Affairs

Honourable
Bernard Grandmaître
Minister

Glenn R. Thompson
Deputy Minister

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MINISTRY OF MUNICIPAL AFFAIRS

ONTARIO

This booklet is a summary of the legislation affecting municipalities that was enacted at the First Session of the Thirty-Third Legislature of the Province of Ontario.

This booklet has two functions. First, it summarizes that legislation which is considered to be of particular interest to municipalities. This summary is prepared for the purpose of convenience only. For accurate reference, please consult the actual Statute.

Second, all amendments to those Acts included in the Ministry's publication, Legislation for Ontario Municipalities, are listed by section or subsection number. These amendments are either minor in nature, or do not directly impact on municipalities. For additional information, please consult the actual Statute.

FIRST SESSION, 33RD PARLIAMENT, 1985 - 1986

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ASSESSMENT AMENDMENT ACT, 1985
BILL 57
Royal Assent: December 6, S.O. 1985, Chapter 9
Commencement: December 1, 1985

1. **Return of Assessment Rolls:** Subsection 63(1) is amended to provide for the return of assessment rolls for municipal taxation at present levels of assessment except where a reassessment is introduced by proclamation at full market value or by equalization of assessment based on market value.

2. **Pipeline Depreciation:** Section 69 is repealed and replaced so that the provisions of the Act that deal with depreciation of pipe lines come into effect on January 1, 1986.

Amendments were also made to the following sections:

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HIGHWAY TRAFFIC AMENDMENT ACT, 1985
BILL 17
Royal Assent: December 20, S.O. 1985, Chapter 13
Commencement: Royal Assent except:
Section 10: June 2, 1986
Section 17: Proclamation

1. **Rate of Speed:** Subsections 109(2, and 2a) permit the council of a municipality and the trustees of a police village to pass by-laws prescribing a rate of speed different than the rate set out in subsection 109(1) for motor vehicles driven on a highway or portion of a highway under its jurisdiction. The rate of speed shall be 40, 50, 60, 70, 80, 90, or 100 kilometers per hour.

Amendments were also made to the following sections:

7(3c-e)
7(11)
18(2)
18(2a)
26(1)
26(4)
27(1)
27a-b
29
30a(1)-30a(4)
46(6)
48(1a)
147(2)
147(2a)
184(1a-b)
184(2)
191(1)
192
194(a)

MUNICIPAL AMENDMENT ACT, 1986
BILL 107
Royal Assent: February 12, S.O. 1986, Chapter 14
Commencement: Proclamation

1. **Gypsy Moth Control Programs:** The Act is amended by the addition of section 225a which permits the councils of counties to pass by-laws to establish and operate aerial spraying programs designed to control actual or potential infestations of gypsy moths.

The spraying must be carried out under contract by a person licensed under Ontario Law to conduct the spraying.

The county council may enter into agreements with owners of land for spraying the land. The county's costs must be paid by the owner prior to the commencement of spraying.

Where the agreement concerns land of which a tenant has possession, the agreement cannot come into force until the tenant concurs with the agreement.

The amendment empowers a county council and the Minister of Natural Resources to enter into agreements, subject to the terms and conditions of the agreement, for the indemnification of the county by the Province of Ontario for all damages and costs of proceedings resulting from spraying programs established under this amendment.

No spraying may occur until county council and the Minister of Natural Resources have entered into the above mentioned agreement.

MUNICIPAL ELECTIONS AMENDMENT ACT, 1985
BILL 27
Royal Assent: November 8, S.O. 1985, Chapter 7
Commencement: April 1, 1985

1. **Polling Subdivisions:** Section 17 is repealed and replaced to permit the municipal clerk to establish new polling subdivisions and amend ward boundaries after the 1st day of April in an election year.

MUNICIPAL ELECTIONS AMENDMENT ACT, 1985
BILL 38
Royal Assent: October 28, S.O. 1985, Chapter 4
Commencement: ss. 1,2,5,8,12 - September 3, 1985
ss. 3,4,6,7, - July 1, 1988

1. **Definition of Spouse:** Section 1 is amended by the addition of paragraph 37 which defines "spouse". Spouse is now defined as a person of the opposite sex to whom the person is married or with whom the person is living outside marriage in a conjugal relationship of at least one year's duration.

2. **Age of Scrutineers:** Subsection 6(1) is amended to raise the minimum age of scrutineers from sixteen to eighteen years.

3. **British Subject Status:** Clauses 12(b) and 13(b), section 15 and subsection 33(2) are amended to delete the reference to "other British subjects" contained in each. The effect of the amendments is to remove the right of persons other than Canadian citizens to vote in municipal elections. These amendments do not come into force until July 1, 1988.

4. **Right to Vote:** Section 14 is repealed and replaced with a new section which permits inmates of penal or correctional institutions who have not been sentenced to vote in municipal elections.

The new section also removes the disqualification from voting of judges and those psychiatric patients who have not been found incompetent under the Mental Health Act or the Mental Incompetency Act.

5. **Mandatory Polling Places:** Subsection 47(1) is repealed and replaced with a new subsection requiring the establishment of a polling place in psychiatric facilities.

The amendment requires polling places to be established in nursing homes or any other institution of twenty beds or more in which chronically ill or infirm persons reside. As well, a polling place must be established in retirement homes of fifty beds or more.

6. **Proxy Voter:** Subsection 67(1) is amended by the addition of clause (d) which permits an inmate in a penal or correctional institution, not under sentence, to vote by proxy in the polling subdivision in which the inmate normally would reside.

Amendments were also made to the following sections:

Clause 12(1)(e)
67(3)

PLANNING AMENDMENT ACT, 1985
BILL 80
Royal Assent: December 20, S.O. 1985, Chapter 16
Commencement: August 1, 1985

1. **Official Plans of Joint Planning Areas:** Subsection 71(4) is repealed and replaced to permit the Minister to continue to approve any amendment to or repeal of an official plan of a joint planning area that may be proposed by the council of any municipality affected by the official plan.

UPDATE SERVICE

AMENDMENTS TO OTHER PUBLIC ACTS WHICH ARE INCLUDED IN THE PUBLICATION, LEGISLATION FOR ONTARIO MUNICIPALITIES

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	11(2-4)	139
	86b(4)	140
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	138	
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	42(3-6)	136a
	45(13)	44
	Clause 52(3)(b)	137(2a)
	133(4-6)	
	133a	